

REMARKS

Claims 1, 3-15 and 18-30 are pending in this application. Claims 1, 10, 14, 18, 22, and 26 have been amended. Reconsideration and allowance of the pending claims are respectfully requested.

Claims 1, 3-7, 9-15 and 18-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,018,768 (“Ullman”) in view of USPN 6,268,849 (“Boyer”). Applicant respectfully traverses this rejection.

Claims 1, 3-7, 9-15 and 18-30 represent patentable subject matter because the cited references fail to teach or suggest all the claim limitations of these claims. For example, claim 1 as amended recites the feature of “selecting one viewer application from a plurality of viewer applications prior to the scheduled time based on said scheduling information, said viewer application capable of processing the broadcast of data in the encoding format at the scheduled time.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 1 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 3-7 and 9 are allowable by virtue of their dependency, as well as on their own merits.

Claim 10, as amended, recites “one viewer application, selected from a plurality of viewer applications prior to the broadcast times, to process the data broadcasts in the encoding format at a scheduled broadcast time.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 10 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 11-13 are allowable by virtue of their dependency, as well as on their own merits.

Claim 14, as amended, recites “a viewer application, selected from a plurality of viewer applications prior to the broadcast times, for processing the broadcasts in the encoding format at scheduled broadcast times.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 14 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claim 15 is allowable by virtue of its dependency, as well as on its own merits.

Claim 18, as amended, recites “the processor to select viewer applications from a plurality of viewer applications prior to receiving broadcasts of data based on scheduling information and the encoding format for the broadcasts.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 18 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 19-21 are allowable by virtue of their dependency, as well as on their own merits.

Claim 22, as amended, recites “one viewer application selected from a plurality of viewer applications prior to the scheduled time for processing the data in the encoding format at the scheduled time.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 22 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 23-25 are allowable by virtue of their dependency, as well as on their own merits.

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Claim 26, as amended, recites “the selection of a viewer application from a plurality of viewer applications being responsive to the scheduling information and prior to the scheduled broadcast time for the one of the broadcasts.” At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 26 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 27-30 are allowable by virtue of their dependency, as well as on their own merits.

In view of the above, removal of the rejection of claims 1, 3-7, 9-15 and 18-30 is thus respectfully requested.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman in view of the ATVEF Specification. Applicant traverses. Claim 8 recites features similar to claim 1, and therefore represent patentable subject matter for at least the same reasons given for claim 1 in that the ATVEF Specification does not remedy the deficiencies of Ullman with respect to independent claim 1. Removal of the rejection for claim 8 is thus respectfully requested.

For at least the above reasons, Applicant submits that claims 1, 3-15 and 18-30 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1, 3-15 and 18-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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Rachael Brown

7/25/05
Date

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